

REMARKS

Summary Of The Office Action & Formalities

Claims 1-20 are all the claims pending in the application. By this Amendment, Applicant is amending claim 11 and adding new claims 13-20. No new matter is added.

Submitted herewith is a Petition for Extension of Time with fee.

Applicant thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on October 3, 2003.

Applicant notes that the Examiner has failed to acknowledge the claim to foreign priority and that the certified copy of the priority document was received. Applicant submitted the foreign priority document on October 3, 2003. Therefore, Applicant respectfully requests that the Examiner acknowledge Applicant's claim to foreign priority and that a certified copy of the priority document has been received in the Examiner's next communication.

The prior art rejections are summarized as follows:

1. Claims 1-7 and 9-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Vander Heijden (US 6,536,629).

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-7 And 9-12 In View Of Van der Heijden (US 6,536,629).

In rejecting claims 1-7 and 9-12 in view of Van der Heijden (US 6,536,629), the grounds of rejection state:

Referring to claim[s] 1 and 10, a fixing member (7) having means designed to receive the dispensing member, and a substantially cylindrical skirt (lower portion of 7) designed to be engaged in the opening of the reservoir to establish leaktight contact therein, said fixing member (7) being characterized in that the skirt is provided with at least one vent (32) passing through the thickness of the skirt (lower portion of 7).

Referring to claim 2, the vent (32) is formed below a larger-diameter top segment designed to come into leaktight tight-fitting contact in the opening 11.

Referring to claim 3, the vent (32) is formed at larger-diameter middle segment designed to come into leaktight tight-fitting contact in the opening.

Referring to claim 4, the vent (32) is formed above a bottom segment including a larger-diameter portion designed to come into leaktight tight-fitting contact in the opening (fig 2).

Referring to claim 5, in which the top segment forms an outwardly-projecting bead (29) designed to flatten in the opening.

Referring to claim 6, the bottom segment forms an outwardly-projecting (29) bead designed to flatten in the opening.

Referring to claim 7, fixing member according to claim 1, in which the skirt forms an abutment flange (top part of 7) designed to come into abutting contact with the opening.

Referring to claim 9, the vent is formed at a smaller-diameter middle (fig 2, 32) segment designed to remain out of contact with the opening of the reservoir.

Referring to claim 12, in which the skirt (7, fig 2)
surrounds the dispensing member with a free annular space
between them at the level of the vent.

Office Action at pages 2-3.

Applicant respectfully traverses this rejection because Van der Heijden fails to disclose each and every element claimed. For example, claim 1 recites a fixing member for fixing a dispensing member to an opening of a reservoir. It also recites means designed to receive the dispensing member and a skirt designed to be engaged in the opening of the reservoir. As explained on page 8, lines 9-11 of the present application, the dispensing member may be, for example, a pump or a valve.

The Examiner asserts that Van der Heijden teaches a fixing member as claimed, but the alleged Van der Heijden fixing member is not designed to fix a dispensing member to an opening of a reservoir. Van der Heijden discloses an aerosol for dispensing a liquid in the form of a foam. As explained in column 4, lines 24-31, the aerosol comprises a liquid container 2 and a dispensing assembly 3. This dispensing assembly 3 consists of a liquid pump 4 and an air pump 7 which, along with their respective pistons 6 and 9, define a liquid pump chamber 5 and an air pump chamber 8. The pistons 6 and 9 are coupled to an actuating head 10. The Examiner asserts that the Van der Heijden air pump 7 constitutes the claimed fixing member. However, the air pump 7 is not designed to fix a dispensing member to an opening of a reservoir. Instead, as can be seen from the above explanation of the Van der Heijden dispensing assembly 3, the air pump 7 is actually a part of the dispensing member and therefore is not, and cannot be assimilated to be, a fixing member as set forth in claim 1.

The dispensing assembly 3 is actually held on the opening of the container 2 by a screw element. As described in column 4, lines 25 and 26, the element which fixes the dispensing assembly 3 on the opening of the container 2 is the element which includes a snap on housing for the upper end of the air pump 7 and which is screwed around the neck of the container 2. This element, and not the air pump 7, has to be regarded as the fixing ring of the dispensing member. However, this element lacks the technical features specified in claim 1.

As explained above, the Van der Heijden air pump 7 is not designed to fix a dispensing member to an opening of a reservoir and therefore cannot be the claimed fixing member. The element which fixes the Van der Heijden dispensing assembly 3 to the Van der Heijden container 2 also lacks the features of the fixing member as recited in claim 1. Finally, the technical features recited in claim 1 are not obvious in view of the teachings of Van der Heijden. Accordingly, claim 1 is allowable over Van der Heijden. Claims 2-7 and 9-12 depend from claim 1 and are therefore allowable at least because of their dependency.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 13-20. Claim 13 is allowable at least because Van der Heijden fails to teach a fixing member with a vent as claimed. Claims 14-20 depend from claim 13 and are therefore allowable at least because of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/677,384

Attorney Docket No.: Q72954

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

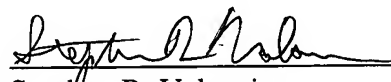
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Date: October 17, 2005